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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,334	10/18/2000	Aninda Dasgupta	US 000013	5217
24737	7590	11/01/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,334

Applicant(s)

DASGUPTA, ANINDA

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admit prior Art (APA) in view of Gibbs et al (US. 6,292,187 B I).

3. **As to claim 1**, APA teaches the invention substantially as claimed including: a digital audio playback device (DAPD) (digital audio playback devices (DAPD), page 1, ln 9-15), a connected processing system (the PC, page 3, ln 5-23), executing (executed, page 3, ln 20- 24), the external interface (playback device, page 3, ln 5-23), a user interface application program (a UI software application, page 2, ln 14-17/ a the program for controlling the connected user interface, page 3, ln 20-23), a memory (memory, page 1, ln 15-18), a reverse DAPA application programming interface(the application programming interfaces, page 4, ln 12-15), storing (download, page 4, ln 1-7), a user interface application program that accesses and controls said digital audio playback device via said external interface(page 5, ln 13-15).

4. APA does not teach a processor of DAPD capable of executing said reverse API, said DAPA capable of causing said processor to access and control a user interface with said user

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interface program. However, Gibbs teaches a processor of DAPD capable of executing said reverse API, said DAPA capable of causing said processor to access and control a user interface with said user interface program (a set of application programming interfaces (APIs) with can be used by a digital television receiver. The APIs would be available to broadcast applications and could be used for visual effects involving elements of an application's user interface, col 2, ln 55-60 / the user interface generation is performed by Application Programming Interfaces (APIs) with resided in the host software of the intelligent device 60 but are external to the broadcast application, col 7, ln 35-39), and displayed on a monitor (said host software means includes application programming interfaces (APIs) for rending user interfaces on said display, col 14, ln 37-41/ an API which is part of the host software of the intelligent device 60 for generation of a use interface on a display screen 10, col 5, ln 15-51/ col 7, ln 27-40/ col 8, ln 27-65). The intelligent device 60(the playback device) can use the API to access to the user interface of the broadcast application, which resided in an external digital source information (col 2, ln 55-67).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA and Gibbs because Gibbs's a processor of DAPD capable of executing said reverse API, to access and control a user interface with said user interface program and displayed on a monitor would improve the efficiency of APA's system by allowing the digital television receiver to have some controls over the look and feel of the user interface components of many broadcast applications.

6. **As to claim 2**, Gibbs teaches DAPA API comprises instructions capable of communicating with and controlling an operation of said user interface application program (the

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user interface generation is performed by application programming intelligent (APIs) which reside in the host software of the intelligent device 60, col 7, ln 26-39).

7. **As to claim 3**, Gibbs teaches first data (the predetermined mattes, col 8, ln 41-76), a manufacture (TV field, col 9, ln 1-5).

8. **As to claim 4**, Gibbs teaches at least a portion of user Interface (portion of the associated component, col 7, ln 1-25).

9. **As to claim 5**, APA teaches a logo image (logo, page 5, ln 15-21).

10. **As to claim 6**, APA teaches a Universal Resource Locator (URL)(a web site, page 5, ln 15-21).

11. **As to claim 7**, it is an apparatus claim of claim 1; it is rejected for the same reason of claim 1 above. In additional, APA teaches an audio files (audio files, page 3, ln 5-20), an external interface of being coupled to an connected digital audio playback device (software libraries made available by the manufacturer of the digital audio playback device and resident on the connected device, page 4, ln 1-3).

12. **As to claims 8-12**, they are apparatus claims of claims 3-6; therefore, they are rejected for the same reasons as the claims 3-6 above.

13. **As to claim 13**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as the claim 1 above.

14. **As to claims 14-16**, they are apparatus claims of claims 2-4; therefore, they are rejected for the same reasons as the claims 2-4 above.

15. **As to claim 17**, Gibbs teaches first data (the predetermined mattes, col 8, ln 41-76), at least a portion of user interface (portion of the associated component, col 7, ln 1-25).

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16. **As to claims 18-19**, they are apparatus claims of claims 5-6; therefore, they are rejected for the same reasons as the claims 5-6 above.

17. Claims **20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Admit prior Art (APA) in view of Gibbs et al (US. 6,292,187 B I), as applied to claim 1 above, and further in view of Fanshier et al (US. Patent 5,751,962).

18. **As to claim 20**, APA teaches the invention substantially as claimed including: a digital audio playback device (DAPD) (digital audio playback devices (DAPD, page 1, ln 9-15), a connected processing system (the PC, page 3, ln 5-23), executing (executed, page 3, ln 20- 24), the external interface (playback device, page 3, ln 5-23), a user interface application program (a UI software application, page 2, ln 14-17/ a the program for controlling the connected user interface, page 3, ln 20-23), a memory (memory, page 1, ln 15-18), storing (download, page 4, ln 1-7), a X DAPD application programming interface (API) (the libraries consists contain implementations of application programming interfaces (API), page 4, ln 1-15).

19. APA does not teach a processor of DAPD capable of executing said reverse API, said DAPA capable of causing said processor to access and control a user interface with said user interface program and displayed on a monitor. However, Gibbs teaches a processor of DAPD capable of executing said reverse API, said DAPA capable of causing said processor to access and control a user interface with said user interface program and displayed on a monitor (said host software means includes application programming interfaces (APIs) for rending user interfaces on said display, col 14, ln 37-41/ a set of application programming interfaces (APIs)

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which can be used by an application manager of the vendor's device, e.g., a digital television receiver. The APIs would be available to broad cast applications and could be used for visual effects involving elements of an application's user interface, col 2, ln 55-60 /the user interface generation is performed by Application Programming Interfaces (APIs) with resided in the host software of the intelligent device 60 / an API which is part of the host software of the intelligent device 60 for generation of a use interface on a display screen 10, col 5, ln 15-51/ col 7, ln 27-40/ col 8, ln 27-65).

20. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA and Gibbs because Gibbs's a processor of DAPD capable of executing said reverse API, to access and control a user interface with said user interface program and displayed on a monitor would improve the efficiency of APA's system by allowing the digital television receiver to have some controls over the look and feel of the user interface components of many broadcast applications.

21. APA, Gibbs do not teach instructions stored removable storage medium readable. However, Fanshier teaches instructions stored removable storage medium readable (SM API 34 are all tangibly embodied in ... or removable data storage device 16 coupled to the computer 12 or 18, col 3, ln 65-68 to col 4, ln 1-5).

22. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Gibbs, and Fanshier because Fanshier's instructions stored removable storage medium readable would improve the flexibility of APA and Gibbs's systems by proving the function necessary for the desired system administrations.

23. As to claims 21-24, they are apparatus claims of claims 2-4, 17; therefore, they are rejected for the same reasons claims 2-4, 17 above.

Response to the argument:

24. Applicant amendment filed on 08/08/2005 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) “ APA lacks any of bi-directional control in this setup. More specifically, APA lacks any mention that the digital audio playback device is controlled by the the PC and the digital audio playback device controls the user interface of the PC”.

(2) “ Gibbs simply recites that an API may be used to control some operation on the same device that provides the API. Gibbs lacks any mention of using an API to allow one device or system to control a user interfae one another device or system”.

25. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), APA teaches user interface makers can use application programming interfaces to have their user interface software connect to and control any of several digital audio playback device(page 5, ln 13-16/ page 3, ln 5-15) and Gibbs teaches a set of application programming interfaces (APIs) which can be used by a digital television receiver. The APIs would be available to broadcast applications and could be used for visual effects involving elements of an application's user interface, col 2, ln 55-60/ the user interface generation is performed by Application Programming Interfaces (APIs) with resided in the host software of the intelligent device 60 but are external to the broadcast application, col 7, ln 35-39)/ the host software means includes application programming interface (APIs) for rending user interfaces on said display means(col 14, ln 37-41).

As to the point (2), Gibbs teaches the intelligent device 60(the playback device) can use the API to access to the user interface of the broadcast application, which resided in an external digital source information (col 2, ln 55-67). Therefore, the user interface of broadcast application is resided outside the intelligent device 60. The intelligent device 60 can use the API to access to user interface of the application, which is located outside the intelligent 60.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

October 28, 2005



W Thomson
TC2194
AU 2194